

**PUBLIC CHAPTER NO. 1096**

**SENATE BILL NO. 2008**

**By Southerland, Burks, Raymond Finney**

**Substituted for: House Bill No. 1872**

**By Hawk, Maddox, Maggart, Eldridge, Coley, Hood, McCormick,  
Gresham, Lynn**

AN ACT to enact the "Virtual Public Schools Act" and to amend Tennessee Code Annotated, Title 49, relative to virtual schools.

WHEREAS, meeting the educational needs of children in Tennessee's schools is of the greatest importance to the future welfare of the state; and

WHEREAS, closing the achievement gap between high-performing students, including the gap between minority and non-minority students, and between economically disadvantaged students and their more advantaged peers, is a significant and present challenge; and

WHEREAS, providing a broader range of educational options to parents and utilizing existing resources, along with technology, may help students in Tennessee improve their academic achievement; and

WHEREAS, many school districts currently lack the capacity to provide other public school choices for students whose schools are high priority schools; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, is amended by adding Sections 2 through 6 of this act as a new, appropriately designated chapter.

SECTION 2. The purpose of this chapter is to provide school districts and students in all grades with a broader range of educational opportunities through effective use of technology.

SECTION 3. (a) The State Board of Education is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

(b) The State Board of Education shall develop policies and guidelines for the operation of virtual education programs, including those operated by the Department of Education.

SECTION 4. (a) Local education agencies are authorized to use BEP funds in the implementation and operation of virtual education programs.

(b) The Department of Education and local education agencies may apply for and receive grants and accept donations to help fund virtual education programs, particularly in the startup phase.

SECTION 5. The Department of Education shall annually submit to the governor, the general assembly, the State Board of Education, and the BEP review committee a complete and detailed reporting of:

(1) The operation of virtual education programs;

(2) The number of students enrolling in these programs and the success of the students, including an analysis of the academic accountability of the school's students. Such data shall be provided in total numbers and disaggregated and compared to corresponding data for students in traditional school settings;

(3) Efforts made to improve the programs and the delivery of classes, including new technologies examined or implemented;

(4) Funding received and the adequacy thereof; and

(5) Such other information as the department finds necessary to account for the operation of virtual education programs.

The report shall be submitted by July 1 of each year, beginning in 2009.

SECTION 6. Nothing in this chapter shall be construed to require local education agencies to offer or participate in a virtual education program. Participation in a virtual education program by a student shall be at the discretion of the local education agency in which the student is enrolled or zoned to attend; provided, however, that only students in grades kindergarten through twelve (K-12) who were enrolled in and attended a public school during the previous school year shall be eligible to participate in a virtual public education program. Students who are receiving hospital or homebound instruction shall also be eligible to participate.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: May 15, 2008**



RON RAMSEY  
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of June 2008



PHIL BREDESEN, GOVERNOR